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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Tatsuya Anma
Hideaki Takahashi
App. No.: 09/742751
Filed: December 20, 2000
Title: SINGLE-PHASE MULTIPOLAR
MAGNET TYPE GENERATOR
FOR VEHICLES
Art Unit: 2834
Conf. No: 6449

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872-9319 on:

June 7, 2005


Ernest A. Beutler
Reg. No. 19901

REQUEST FOR FURTHER SUPERVISORY REVIEW
AND WITHDRAWAL OF NEW EXAMINER'S ANSWER

Commissioner for Patents

Alexandria, VA 22313-1450

Attention: Darren Schuberg, Supervisory Patent Examiner

Sir:

Appellants filed their Brief on Appeal in this case under a Certificate of Mailing, dated December 2, 2002. More than three months later on March 6, 2003, the Examiner's Answer was mailed. In response thereto on March 13, 2003 appellants filed a request for an Oral Hearing. In checking the PARE records in February of this year to find if the Appeal had been docketed, the undersigned finds that a new and different Brief was mailed to his old address on December 22, 2004, some 20 months after the request for Oral Hearing. Those Pare records show the mail was returned as undeliverable, but the undersigned has obtained a copy from the Office Files and sees that the Examiner has after 21 months after his first brief citing new and unsupplied art as well as changing in

some regards his earlier position.

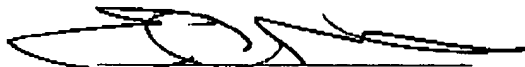
Now in spite of having called the Examiner's attention to the fact that Appellants' attorney filed the required change of correspondence address with the Office he finds that again a reply has been sent to that old address on April 15, 2005 in spite of the fact that the previous filing indicated that new address as does this mailing.

It is requested that the Examiner supply his authority for this highly unusual position in the light of no change in appellants' position and absent any apparent authority for such action. Also are appellants afforded an opportunity to further reply including the opportunity to either amend or file a substitute brief?

The reply of April 15, 2005 indicates that appellants can file another brief, but they should be afforded an opportunity to amend without an objection to a "new issue" in view of the Examiner's citation of the Modern Dictionary for the first time in that new Answer.

Also the allegation that the new Answer was required due to the necessity to have a conference is bogus. The first Answer of March 6, 2003 shows exactly the same conferees as the subsequent two filings.

Respectfully submitted,



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